

AGREEMENT

WSDOT Highways & Drinking Water Well Sanitary Control Areas

“Screening Criteria”

Purpose:

The purpose of this agreement is to clarify expectations, establish project screening criteria, and facilitate communication among the Washington State Department of Transportation (WSDOT), water purveyors, and the Washington State Department of Health (DOH) when a proposed highway project intersects with the sanitary control area of a public water supply.

Background:

DOH's mission is to protect the health of the people of Washington State by assuring safe and reliable drinking water per Revised Code of Washington (RCW) Chapter 70.116. WSDOT's mission is to keep people and freight moving by operating, maintaining, and improving the state transportation systems vital to our taxpayers and communities, per Chapter 47.01 RCW.

The Drinking Water Regulations in Washington Administrative Code (WAC) Chapter 246-290 for Group A public water systems and Chapter 246-291 WAC for Group B public water systems require a water purveyor to maintain a minimum Sanitary Control Area (SCA) to protect the drinking water source. The regulations state that the water purveyor shall maintain a SCA around all sources for the purpose of protecting them from existing and potential sources of contamination. For wells, the minimum SCA shall have a radius of 100 feet unless engineering justification demonstrates that a smaller area can provide an adequate level of source water protection. No source of contamination may be constructed within the SCA without the permission of DOH and the purveyor. The regulations don't define sources of pollution and state highways are not identified in the WAC as potential sources of contamination. However, DOH guidance identifies stormwater runoff and spills resulting from vehicular accidents on roadways as potential sources of contamination.

In furthering its mission, WSDOT must occasionally build or improve highways that encroach into SCAs. The federal Water Pollution Control Act (33 U.S.Code §1251 et seq.; also known as the Clean Water Act) and the Department of Ecology's regulations (Chapter 173-220 WAC), require WSDOT to treat stormwater using all known, available, and reasonable methods of prevention and treatment (AKART) as defined in WSDOT's Highway Runoff Manual (HRM). These regulations require that WSDOT treat runoff to a level that is compliant with surface water quality standards (WAC 173-201A). These standards are generally more stringent than the standards for drinking water thereby minimizing highway runoff as a potential source of pollution. Based on the best available information, WSDOT is doing all that is necessary to protect drinking water sources and to ensure that highways are not a potential source of drinking water well contamination.

As WSDOT satisfies the following screening criteria, both agencies agree that highway projects provide an adequate level of source water protection and therefore will not constitute a source or potential source of contamination and will not require an engineering justification as specified in the aforementioned Drinking Water Regulations.

Drinking Water Well Screening Criteria:

1. The road location and construction setbacks are maintained such that the drinking water source intake structure is not in danger of physical damage.
2. All concentrated flows of untreated roadway runoff are directed via impervious channel or pipe and discharged outside the SCA.
3. If roadside vegetation management practices are identified as a potential source of contamination, the water purveyor will provide the location of the SCA to the appropriate WSDOT maintenance office for inclusion in the Integrated Vegetation Management Plan (IVMP) for that section of highway, as necessary to protect the wellhead. In accordance with the Puget Sound Highway Runoff Rule (WAC 173-270-040) and WSDOT policy, the IVMP ensures that roadside vegetation management practices are in compliance with health and environmental standards.
4. WSDOT complies with all National Pollutant Discharge Elimination System Permits as required per Section 402 of the federal Water Pollution Control Act.
5. WSDOT provides the water purveyor with contact information to be used in the event of any problems or questions that may arise.

Application of these criteria does not preclude the purveyor, who has authority over the Sanitary Control Area either outright or controlled through a covenant, from bringing a subsequent claim for actual or alleged damages to their drinking water well.

Implementing the Screening Criteria

As requested, DOH will provide information on the location of public water supply wells to WSDOT, who in turn incorporates the information into its Geographic Information System (GIS). As a matter of course during project scoping and development, WSDOT checks the GIS to determine potential environmental impacts of its projects.

Application of the screening criteria will be initiated by WSDOT. A licensed professional engineer will review the screening criteria and attest to the well purveyor and DOH in writing on WSDOT letterhead that the screening criteria's conditions are satisfied. If there is disagreement on the potential project impacts to a public water supply well between the water purveyor and WSDOT region staff that cannot be resolved by these parties, the disagreement will be elevated for evaluation and discussion to the DOH regional office and WSDOT headquarters Environmental Services Office.

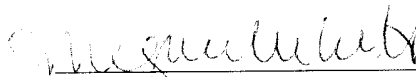
When a road project is expected to intersect with a public water supply well's SCA, WSDOT will contact the water purveyor. The water purveyor will confirm the location of the well and its SCA and, if such intersection exists, application of the screening criteria will be initiated by


WSDOT. It is expected that the purveyor will identify any signed SCA restrictive covenants and/or WSDOT will check for such covenants filed with the County Auditor's office.

This agreement shall take effect upon its execution as evidenced by the signatures below. Either party to this agreement may terminate it for cause by providing thirty (30) days written notice to the other party; provided that the parties shall consult during the period prior to termination to seek agreement on amendments, or other action, that would avoid termination.

WASHINGTON STATE DEPARTMENT OF TRANSPORTATION

WASHINGTON STATE DEPARTMENT OF HEALTH

 5/23/06
Megan White, P.E., Director Date
Environmental Services Office

 5/26/06
Denise Addotta Clifford, Director Date
Office of Drinking Water